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OFFICE OF PETITIONS

In re Application of
Brandel et al.
Application No. 10/736,119
Filed: December 15, 2003
Attorney Docket Number: 7343-2

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed March 6, 2006, to revive the above-identified application.

This above-identified application became abandoned for failure to timely file a reply to the non-final Office Action of July 12, 2005. The non-final Office Action set a three (3) month shortened statutory period for reply. No extensions of time were obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on January 12, 2005. A Notice of Abandonment was mailed on February 24, 2006.

This petition is hereby **Granted**.

An untimely petition for four (4) month extension of time was filed on January 12, 2005. However, pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988) Petitioner's six (6) month statutory period expired on October 12, 2005. Petitioner is ineligible for any extensions of time. Petitioner is entitled to a refund of the previously submitted petition fee of \$1590.00. Petitioner may request a refund by writing to the Finance Office, Refund Section. A copy of this decision should accompany any request for refund.

The office hereby acknowledges the receipt of the amendment submitted on February 10, 2006.

This application is being forwarded to Technology Center 1700 for further processing.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

Charlema R. Grant

Charlema R. Grant

Petitions Attorney

Office of Petitions